

JPA# 91-144

CONSTRUCTION
INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF BULLHEAD CITY

AG#KR92-0443-TRN
JPA 91-144
Proj# HX00901C
HX00901D
95 MO 246
Marina to Locust

THIS AGREEMENT, entered into pursuant to Arizona Revised Statutes, Section 11-951 through 11-954, as amended, by and between the STATE OF ARIZONA, acting by and through the ARIZONA DEPARTMENT OF TRANSPORTATION, hereinafter called "STATE", and BULLHEAD CITY, hereinafter called "CITY",

WHEREAS, the STATE is empowered by Section 28-108 to enter into this Agreement and the Director of the ARIZONA DEPARTMENT OF TRANSPORTATION has delegated to the undersigned his authorization to execute this Agreement on behalf of the STATE,

WHEREAS, the CITY is empowered by Section 48-572 to enter into this Agreement, and acting by and through its duly elected governing body, has by that certain resolution attached hereto and incorporated herein as Exhibit "A" resolved to enter into this Agreement and has authorized the undersigned as its representative to execute the same on behalf of said CITY,

WHEREAS, for the safety and protection of the traveling public, it is necessary and desirable that certain improvements and/or modifications be made on the State Highway System in the CITY. This work shall consist of the installation of underground conduits, conductors and pullboxes to provide for future traffic signal coordination at the following location:

SR 95, Marina Blvd. to Locust Blvd
MP 243.92 to MP 249.74
Project #95 MO 246 HX009 01C
Project #95 MO 246 HX009 01D

NO. <u>16476</u>
FILED WITH SECRETARY OF STATE
Date Filed <u>03/09/92</u>
<u>Richard Mahoney</u> Secretary of State
By <u>Vernon V. Greenewald</u>

NOW, THEREFORE, in consideration of the mutual covenants hereinafter to be kept by all parties, it is mutually agreed as follows:

1. The STATE shall furnish to the CITY the design, specifications, and special provisions of conduits, conductors and pullboxes for incorporation into the CITY street lighting project on SR 95.

2. The STATE shall be responsible for any contractor claims for extra compensation attributable to STATE.

3. The STATE shall inspect the STATE portion of the construction project.

4. The engineering estimate for the STATE portion of the project is \$182,775 (\$7,775 for CITY design work and \$175,000 for construction and engineering costs); however, the final costs may be more or less than the estimate. The STATE shall reimburse the CITY 100% of the final design, construction and engineering costs of the STATE portion of the project at the time the STATE portion of the project is accepted on demand of the CITY.

5. The CITY shall be responsible for incorporating STATE furnished items specified in Section 1., above, into CITY bid advertisement and contract documents.

6. Upon the approval of final plans, specifications and special provisions by the STATE and the CITY, the CITY shall advertise for bids and award a contract to include STATE underground conduits, conductors, and pullboxes.

7. The CITY shall be responsible for any contractor claims for extra compensation attributable to CITY.

8. This Agreement shall be terminated when all conditions as set forth herein have been complied with and the STATE conduits, conductors, and pullboxes are completed and accepted.

9. All parties are hereby put on notice that this Agreement is subject to cancellation by the Governor pursuant to A.R.S. §38-511.

10. The provisions of A.R.S. §35-214 are applicable to this Agreement.

11. In the event of a dispute, the parties agree to use arbitration to the extent required by A.R.S. §12-1518.

12. This Agreement shall be filed with the Secretary of State and shall become effective upon filing.

13. Attached to this Agreement and incorporated herein by reference is Exhibit "B" which is a copy of the written determination of the appropriate attorney that the CITY is authorized under the laws of this State to enter into this Agreement and that it is in proper form.

EXHIBIT "A"

RESOLUTION NO. 91R-101

A RESOLUTION OF THE MAYOR AND CITY COUNCIL
OF THE CITY OF BULLHEAD CITY, ARIZONA,
APPROVING AN INTERGOVERNMENTAL AGREEMENT
BETWEEN THE STATE OF ARIZONA AND THE CITY
OF BULLHEAD CITY AND AUTHORIZING THE MAYOR
TO ENTER INTO AND EXECUTE THE AGREEMENT FOR
THE PURPOSE OF INSTALLING CERTAIN
IMPROVEMENTS ON STATE ROUTE 95

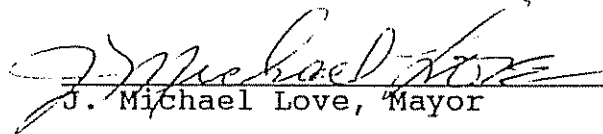
WHEREAS, it is necessary and desirable for the safety and protection of the traveling public, that certain improvements and/or modifications be made on State Route 95 in Bullhead City; and

WHEREAS, the City desires to enter into an Intergovernmental Agreement with the State of Arizona for the purpose of designing and installing underground conduits, conductors and pullboxes to be incorporated into the City's streetlighting project on State Route 95; and

WHEREAS, the City of Bullhead City is empowered to enter into this agreement by virtue of the provisions of A.R.S. Section 11-951, et seq., and the State of Arizona is empowered to enter into this agreement by virtue of the provisions of A.R.S. Section 28-108;

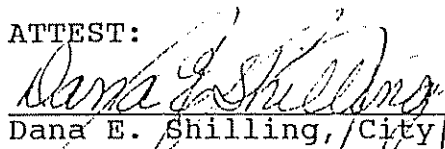
NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Bullhead City hereby approves the Intergovernmental Agreement between the City and the State of Arizona and hereby authorizes the mayor to enter into and execute said agreement on behalf of the city.

PASSED AND ADOPTED by the Mayor and City Council of the City of Bullhead City, Arizona, this 17th day of December, 1991.


J. Michael Love, Mayor

DATE: 12/18/91

ATTEST:


Dana E. Shilling, City Clerk

APPROVED AS TO FORM:

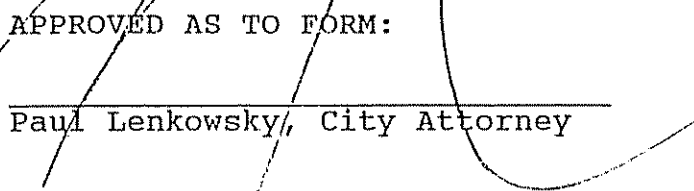

Paul Lenkowsky, City Attorney

EXHIBIT "B"

APPROVAL OF THE ATTORNEY

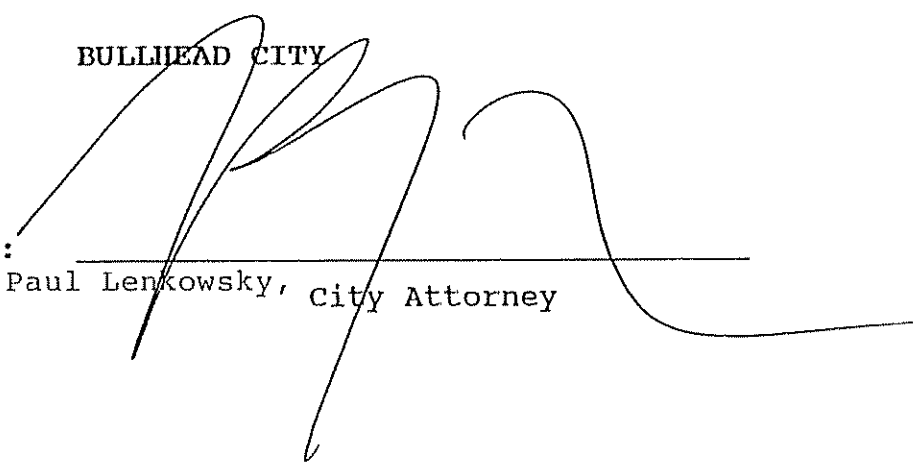
I hereby state that I have reviewed the proposed Construction Intergovernmental Agreement between the State of Arizona, ARIZONA DEPARTMENT OF TRANSPORTATION, and BULLHEAD CITY, and declare the Agreement to be in proper form and within the powers and authority granted under the laws of the State of Arizona.

DATED this 26th day of December, 1991.

BULLHEAD CITY

BY:

Paul Lenkowsky, City Attorney




CONSTRUCTION - TRAFFIC SIGNAL COORDINATION

SR 95, Marina Blvd. to Locust Blvd.

Project# 95 MO 246 HX009 01C
95 MO 246 HX009 01D

RESOLUTION

BE IT RESOLVED, on this 23rd day of December, 19⁹¹, that I, CHARLES E. COWAN, as Director, ARIZONA DEPARTMENT OF TRANSPORTATION, have determined that it is in the best interest of the State of Arizona, that the ARIZONA DEPARTMENT OF TRANSPORTATION, acting by and through the HIGHWAYS DIVISION, enter into a Construction Intergovernmental Agreement with BULLHEAD CITY, for the installation of underground conduits, conductors and pullboxes, such work to be incorporated into a Bullhead City street lighting project on SR 95. The STATE, shall reimburse BULLHEAD CITY for the final design, construction and engineering costs of the State portion of the project estimated at \$182,775. BULLHEAD CITY will incorporate ADOT furnished design elements into the CITY lighting project. THEREFORE, authorization is hereby given to draft said Agreement which, upon completion, shall be submitted for approval and execution by the State Traffic Engineer.



CHARLES A. COWAN, DIRECTOR
ARIZONA DEPARTMENT OF TRANSPORTATION



JPA
ADOT Contract No. 91-174

STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

GRANT WOODS
ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX 85007

MAIN PHONE : 542-5025
TELECOPIER : 542-4085

INTERGOVERNMENTAL AGREEMENT


DETERMINATION

A. G. Contract No. KR92- 0443 -TRN, is an agreement between public agencies and has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 3rd day of March, 1992.

GRANT WOODS
Attorney General


PETER C. GULATTO
Assistant Attorney General
Transportation Section